

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-004-0051

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed December 12, 2003 (Doc. 7352) in connection with defendants Robert A. Martinez and Rose M. Martinez and subfile CHRB-004-0051, and as grounds therefore Plaintiff states as follows:

1. After Robert A. Martinez and Rose M. Martinez (Defendants) signed and approved the Consent Order filed December 12, 2003 in subfile CHRB-004-0051 , the State received a plat of survey of the adjacent property to the north showing that a portion of that property had been erroneously included in this subfile. The State has now correctly mapped the boundaries of the land under this subfile.

2. The Consent Order filed December 12, 2003 (Doc. 7351) should be vacated.

3. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the error described in paragraph one above.

5. Defendants support the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed December 12, 2003 (Doc. 7352) in connection with defendants Robert A. Martinez and Rose M. Martinez and subfile CHRB-004-0051

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Vacate Consent Order was mailed to following this 6th day of March 2006:

Robert A. Martinez
Rose M. Martinez
PO Box 28
Los Ojos, NM 87551

and transmitted by ACE filing to the following this 6th day of March 2006:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville